

## REMARKS

Applicant respectfully requests entry of the following amendments and remarks in response to the Office Action mailed April 11, 2008. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 16 are pending. In particular, Applicant amends claims 1 – 2, 4, 6 – 7, 11, and 13. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Couts in view of Srinivas**

#### **A. Claim 1 is Allowable Over Couts in view of Srinivas**

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A first communication device comprising:  
means for receiving an instant messaging (IM) message  
from a sender directed to a first IM address;  
***means for prompting the sender to convey the IM  
message to a second IM address on a second  
communications device;***  
means for conveying the IM message to the second IM  
address on the second communication device; and  
means for indicating to the second communication device  
that the message originated from the sender.

***(Emphasis added).***

Applicant respectfully submits that claim 1, as amended, is allowable over the cited art for at least the reason that neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “first communication device comprising... ***means for prompting the sender to convey the IM message to a second IM address on a second communications***

**device**” as recited in claim 1, as amended. More specifically, *Couts* discloses “forwarding a communication message intended for one device to another device” (page 1, paragraph [0006]). However, *Couts* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 1, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 1, as amended. For at least these reasons, claim 1, as amended, is allowable.

**B. Claim 2 is Allowable Over *Couts* in view of *Srinivas***

The Office Action indicates that claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 2. More specifically, claim 2 recites:

A first communication device comprising:  
receive logic configured to receive, from a sender, an instant messaging (IM) message directed to a first IM address;  
***prompt logic configured to prompt the sender to convey the IM message to a second IM address on a second communications device;***  
convey logic configured to convey the IM message to the second IM address on the second communication device; and  
indicate logic configured to indicate to the second communication device that the message originated from the sender.

***(Emphasis added).***

Applicant respectfully submits that claim 2, as amended, is allowable over the cited art for at least the reason that neither *Couts* nor *Srinivas*, taken alone or in combination, discloses,

teaches, or suggests a “first communication device comprising... ***prompt logic configured to prompt the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 2, as amended. More specifically, *Couts* discloses “forwarding a communication message intended for one device to another device” (page 1, paragraph [0006]). However, *Couts* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 2, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 2, as amended. For at least these reasons, claim 2, as amended, is allowable.

**C. Claim 4 is Allowable Over *Couts* in view of *Srinivas***

The Office Action indicates that claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 4. More specifically, claim 4 recites:

A communication method comprising:  
receiving an instant messaging (IM) message at a first communication device, the IM message being intended for a recipient at a first IM address;  
***prompting the sender to convey the IM message to a second IM address on a second communications device;***  
conveying the IM message to the second IM address on the second communication device; and  
indicating to the second communication device that the message originated from the sender.

***(Emphasis added).***

Applicant respectfully submits that claim 4, as amended, is allowable over the cited art for at least the reason that neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “communication method comprising... ***prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 4, as amended. More specifically, *Couts* discloses “forwarding a communication message intended for one device to another device” (page 1, paragraph [0006]). However, *Couts* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 4, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 4, as amended. For at least these reasons, claim 4, as amended, is allowable.

#### **D. Claim 11 is Allowable Over *Couts* in view of *Srinivas***

The Office Action indicates that claim 11 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 11. More specifically, claim 11 recites:

A computer-readable storage medium comprising:  
computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message at a first communication device, the IM message being sent by a sender and intended for a recipient at a first IM address;  
***computer-readable code adapted to prompt the sender to convey the IM message to a second IM address on a second communications device;***  
computer-readable code adapted to instruct a

programmable device to convey the IM message to the second communication device at the second IM address; and  
computer-readable code adapted to instruct a programmable device to indicate to a second recipient that the message originated from the sender.

**(Emphasis added).**

Applicant respectfully submits that claim 11, as amended, is allowable over the cited art for at least the reason that neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “computer-readable storage medium comprising... **computer-readable code adapted to prompt the sender to convey the IM message to a second IM address on a second communications device**” as recited in claim 11, as amended. More specifically, *Couts* discloses “forwarding a communication message intended for one device to another device” (page 1, paragraph [0006]). However, *Couts* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 11, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 11, as amended. For at least these reasons, claim 11, as amended, is allowable.

**E. Claims 3, 5, and 12 are Allowable Over *Couts* in view of *Srinivas***

The Office Action indicates that claims 3, 5, and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claims 3, 5 and 12. More specifically, dependent claim 3 is

believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 2. Dependent claim 5 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 4. Dependent claim 12 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 11. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

## II. **Appelman in view of Srinivas**

### A. **Claim 6 is Allowable Over Appelman in view of Srinivas**

The Office Action indicates that claim 6 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 (“*Appelman*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 6. More specifically, claim 6 recites:

A communication method comprising:  
receiving an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;  
determining a presence of the recipient at each of the IM addresses;  
***prompting the sender to convey the IM message to a second IM address on a second communications device;***  
conveying the received IM message to the IM addresses at which the recipient is present; and  
indicating to a second recipient that the message originated from the sender.

***(Emphasis added).***

Applicant respectfully submits that claim 6, as amended, is allowable over the cited art for at least the reason that neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “communication method comprising... ***prompting the sender to convey the IM message to a second IM address on a second communications device***”

as recited in claim 6, as amended. More specifically, *Appelman* discloses “automatically completing a partial address that is inserted in the input element 14 of a MA user interface 10 using a subset of potential message recipients” (column 6, line 8). However, *Appelman* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 6, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Appelman*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 6, as amended. For at least these reasons, claim 6, as amended, is allowable.

**B. Claim 7 is Allowable Over *Appelman* in view of *Srinivas***

The Office Action indicates that claim 7 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 (“*Appelman*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 7. More specifically, claim 7 recites:

A communication method comprising:  
receiving an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;  
determining a last active time for each of the IM addresses;  
***prompting the sender to convey the IM message to a second IM address on a second communications device;***  
conveying the received IM message to the IM address having a most recent last active time; and  
indicating to a second recipient that the message originated from the sender.

***(Emphasis added).***

Applicant respectfully submits that claim 7, as amended, is allowable over the cited art for at least the reason that neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “communication method comprising... ***prompting the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 7, as amended. More specifically, *Appelman* discloses “automatically completing a partial address that is inserted in the input element 14 of a MA user interface 10 using a subset of potential message recipients” (column 6, line 8). However, *Appelman* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 7, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Appelman*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 7, as amended. For at least these reasons, claim 7, as amended, is allowable.

**C. Claim 13 is Allowable Over *Appelman* in view of *Srinivas***

The Office Action indicates that claim 13 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 (“*Appelman*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 13. More specifically, claim 13 recites:

A computer-readable storage medium comprising:  
computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;  
computer-readable code adapted to instruct a



programmable device to determine a last active time for each of the IM addresses;

***computer-readable code adapted to prompt the sender to convey the IM message to a second IM address on a second communications device;***

computer-readable code adapted to instruct a programmable device to convey the received IM message to the IM address having a most recent last active time; and

computer-readable code adapted to instruct a programmable device to indicate to a second recipient that the message originated from the sender.

***(Emphasis added).***

Applicant respectfully submits that claim 13, as amended, is allowable over the cited art for at least the reason that neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “computer-readable storage medium comprising... ***computer-readable code adapted to prompt the sender to convey the IM message to a second IM address on a second communications device***” as recited in claim 13, as amended. More specifically, *Appelman* discloses “automatically completing a partial address that is inserted in the input element 14 of a MA user interface 10 using a subset of potential message recipients” (column 6, line 8). However, *Appelman* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 13, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Appelman*. More specifically, *Srinivas* discloses “facilitating instant messaging (IM) between two domains over an electronic communication network” (column 2, line 63). However, *Srinivas* fails to even suggest prompting a sender to convey an IM message to a second IM address on a second communications device, as recited in claim 13, as amended. For at least these reasons, claim 13, as amended, is allowable.

**D. Claims 8 – 10 and 14 – 16 are Allowable Over *Appelman* in view of *Srinivas***

The Office Action indicates that claims 8 – 10 and 14 – 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 (“*Appelman*”) in view of U.S. Patent Number 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claims 8 – 10 and 14 – 16. More specifically, dependent claims 8 – 10 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 7. Dependent claims 14 – 16 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 13. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

## **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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